

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Advanced Methods to Target and Eliminate Unlawful
Robocalls

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CG Docket No. 17-59

FCC 16-39

To: The Federal Communications Commission

Date: July 3, 2017

Comment of the Federal Trade Commission

INTRODUCTION

American consumers continue to be plagued with unwanted and illegal telemarketing calls. The Federal Trade Commission's ("FTC") extensive study of this problem and its vigorous law enforcement efforts have shown that law enforcement alone cannot completely solve the problem of illegal calls. Rather, the illegal call problem will require technological solutions, and robust call-blocking technology is an integral part of those solutions.

In 2016, industry came together to form the Robocall Strike Force ("Strike Force"), the purpose of which is to "accelerate the development and adoption of new tools and solutions to abate the proliferation of illegal and unwanted robocalls," to promote consumer choice over the calls they receive, and to make recommendations on how government can help in these efforts.¹ The Strike Force noted that, while several providers and third parties offer call-blocking products, there is no widespread call-blocking solution spanning the networks.² In order to provide proactive call-blocking services to customers, the Strike Force sought clarification from the Federal Communications Commission ("FCC") that "blocking presumptively illegal calls is one of the tools carriers are permitted to use to provide consumers additional relief."³ In response, the FCC issued a Notice of

¹ ROBOCALL STRIKE FORCE, ROBOCALL STRIKE FORCE REPORT, at 1 (2016) [hereinafter "STRIKE FORCE REPORT I"], available at <https://transition.fcc.gov/cgb/Robocall-Strike-Force-Final-Report.pdf>.

² *Id.*

³ STRIKE FORCE REPORT I, *supra* note 1, at 40.

Proposed Rulemaking (“NPRM”) and Notice of Inquiry (“NOI”) on Advanced Methods to Target and Eliminate Unlawful Robocalls.⁴

The NPRM seeks comment on rulemaking proposals that would authorize two categories of provider-based call blocking: (1) when the subscriber to a particular telephone number requests that calls originating from that number be blocked; and (2) when the originating number is invalid, unallocated or unassigned.⁵ The NOI also seeks information on how best to authorize providers to block “presumptively illegal” calls.⁶

The FTC has long been a proponent of provider-based call-blocking services as a critical tool to reduce unwanted calls and robocalls.⁷ Stopping illegal calls *before* they reach a consumer is the most efficient way to protect a consumer’s privacy and to prevent telemarketing fraud. Importantly, provider-based blocking has the potential to stop illegal calls from reaching all end-users, regardless of whether they have a mobile device, Voice over Internet Protocol (VoIP) service, or a traditional landline telephone. The FTC supports the NPRM’s proposed expansion of provider-based call-blocking authority and offers comment in response to specific questions raised regarding unwanted calls and other consumer protection concerns.

I. PROVIDER-BASED CALL BLOCKING IS INTEGRAL TO SOLVING THE PROBLEM OF ILLEGAL CALLS.

Illegal telemarketing calls remain a significant consumer protection problem because they repeatedly disturb consumers’ privacy and frequently market fraudulent goods and services that cause significant economic harm. An increasing number of complaints to the FTC demonstrate continued consumer frustration—in 2015, the FTC received over 3.6 million Do-Not-Call complaints, 2.2 million of which involved a robocall.⁸ In 2016, those numbers continued to climb, and the FTC received over 5.5 million Do-Not-Call complaints, over 3.4 million of which involved a robocall.⁹

⁴ Advanced Methods to Target and Eliminate Unlawful Robocalls, Notice of Proposed Rulemaking and Notice of Inquiry, CG Docket No. 17-59, FCC 17-23 (released Mar. 23, 2017) [hereinafter “NPRM”], *published in* 82 Fed. Reg. 22625 (May 17, 2017). The Notice of Inquiry is part of the NPRM. We sometimes refer to the NOI separately from the NPRM within the text in the interest of clarity.

⁵ NPRM, *supra* note 4, at ¶ 11.

⁶ NPRM, *supra* note 4, at ¶¶ 27-28.

⁷ *See e.g.*, FTC Staff, Comments Before the Federal Communications Commission on Public Notice DA 14-1700 Regarding Call Blocking, CG Docket No. 02-278; WC Docket No. 07-135 (Jan. 23, 2015), *available at* <https://www.ftc.gov/policy/policy-actions/advocacy-filings/2015/01/ftc-staff-comment-federal-communications-commission>; Letter from Chairwoman Edith Ramirez to the Honorable Charles E. Schumer (April 5, 2016) (promoting carrier adoption of widespread call-blocking technology).

⁸ *See infra* Attachment A.

⁹ *Id.* The average total number of Do-Not-Call complaints per month in 2016 was 459,207, and among these were an average of 290,734 complaints about robocalls.

The 2016 complaint totals represent a 49% increase over total Do-Not-Call complaints filed in 2015.¹⁰ And the complaints are not letting up: in four of the first five months of 2017, the FTC received more than 600,000 Do-Not-Call complaints each month and 61% of the monthly complaints—over 300,000—involve robocalls. Illegal calls are, by far, the largest category of complaints that the Commission receives from consumers.¹¹

The FTC has undertaken vigorous law enforcement efforts against those making illegal calls. The FTC has brought 131 law enforcement actions against more than 750 companies and individuals that the agency alleged were responsible for placing billions of unwanted telemarketing calls to consumers in violation of the Do-Not-Call provisions of the Telemarketing Sales Rule.¹² The FTC has obtained more than \$1.5 billion in judgments against these violators and banned many of them from making robocalls in the future. As just one recent example, in January 2017, the Commission filed two lawsuits, *FTC v. Ramsey* and *FTC v. Jones*, which shut down operations responsible for *billions* of illegal robocalls that bombarded consumers with pitches for home security systems and extended auto warranties.¹³ The agency also has spearheaded coordinated law enforcement initiatives targeting illegal robocalls.¹⁴

Increasing levels of Do-Not-Call complaints and rising levels of consumer frustration, however, make clear that the FTC's law enforcement efforts alone cannot completely solve the

¹⁰ See *Id.* From October 2013 to September 2014, the FTC received an average of 261,757 Do-Not-Call complaints per month, of which approximately 55% (144,550 per month) were complaints about robocalls. See National Do Not Call Registry Data Book FY 2014 at 5 (Nov. 2014), available at <http://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2014/dncdatabookfy2014.pdf>.

¹¹ See Consumer Sentinel Network Data Book for January –December 2016 at 2 (Mar. 2017), available at https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2016/csn_cy-2016_data_book.pdf (“The Consumer Sentinel Network (CSN) contains more than 13 million complaints dating from calendar year 2012 through calendar year 2016. (In addition, the CSN contains over 20 million Do-Not-Call complaints from this same time period.)”).

¹² Among these law enforcement actions, 45 cases focused on companies and individuals collectively responsible for many billions of illegal robocalls. A listing of recent actions the FTC has taken against violators of the Do-Not-Call provisions, including those sending out illegal robocalls can be found at <https://www.ftc.gov/news-events/media-resources/do-not-call-registry/enforcement> and <https://www.ftc.gov/news-events/media-resources/do-not-call-registry/robocalls> (last visited June 7, 2017).

¹³ *FTC v. Ramsey*, 9:17-cv-80032-KAM (S.D. Fl. Jan. 13, 2017), available at <https://www.ftc.gov/enforcement/cases-proceedings/132-3254/justin-ramsey>; *FTC v. Jones*, 8:17-cv-00058 (C.D. Fl. Jan. 13, 2017), available at <https://www.ftc.gov/enforcement/cases-proceedings/152-3152/allorey-inc>.

¹⁴ See, e.g., Press Release, FTC, Florida Attorney General Take Action Against Illegal Robocall Operation (June 14, 2016), available at <https://www.ftc.gov/news-events/press-releases/2016/06/ftc-florida-attorney-general-take-action-against-illegal-robocall>; Press Release, FTC Leads Joint Law Enforcement Effort Against Companies that Allegedly Made Deceptive “Cardholder Services” Robocalls (Nov. 1, 2012), available at <https://www.ftc.gov/news-events/press-releases/2012/11/ftc-leads-joint-law-enforcement-effort-against-companies>; Press Release, FTC Settlements Put Debt Relief Operations Out of Business (May 26, 2011), available at <https://www.ftc.gov/news-events/press-releases/2011/05/ftc-settlements-put-debt-relief-operations-out-business>; Press Release, FTC Sues to Stop Robocalls with Deceptive Credit Card Interest-Rate Reduction Claims (Dec. 8, 2009), available at <https://www.ftc.gov/news-events/press-releases/2009/12/ftc-sues-stop-robocalls-deceptive-credit-card-interest-rate>.

growing problem of illegal telemarketing calls. Existing technology makes it inexpensive and easy for callers to make an enormous number of calls from anywhere in the world for little cost while remaining anonymous. Comprehensive technological solutions are required, and call-blocking technology is an integral part of that technological solution.

To spur innovation and potential technological solutions, the FTC led four public challenges to tackle unlawful robocalls.¹⁵ Those contests challenged the American public to develop innovative methods to block calls, to create a “honeypot” to gather data on calls, to analyze honeypot data, and to develop algorithms to predict robocalls. The winner of the first Robocall Challenge, a product called “NomoRobo,” has blocked over 239 million calls, is being offered directly to consumers by a number of telecommunications providers, and is now available as an app on iPhones.¹⁶ The challenges demonstrated that call-blocking technology is viable, scalable, and capable of working in a real-world setting.¹⁷

Consumers will benefit from the widespread availability of provider-based call-blocking solutions. Congress has long recognized that consumers should be free from abusive telephone calls that impinge on consumers’ privacy,¹⁸ and better call-blocking technology would satisfy strong consumer demand for a solution to curb the barrage of unwanted calls.¹⁹ In addition, widespread call blocking has the potential to drive up costs for illegal telemarketing operations and thus reduce the economic incentive to make illegal calls. Currently, the cost of placing large numbers of calls is so low that illegal calling operations can blast out millions of calls but still make a profit by making sales to the small fraction of call recipients who agree to purchase the purported goods or services offered. Call-blocking technology, if implemented on a widespread basis, could reduce revenues for illegal telemarketing operations, thereby making it more difficult to operate profitably.

II. DEFINING ILLEGAL CALL

¹⁵ For more information on the FTC’s four public challenges, *see* <https://www.ftc.gov/news-events/press-releases/2013/04/ftc-announces-robocall-challenge-winners> (describing the first FTC Robocall challenge); <https://www.ftc.gov/news-events/contests/zapping-rachel> (describing the Zapping Rachel challenge); <https://www.ftc.gov/news-events/contests/detectarobo> (describing the Detectarobo challenge); <https://www.ftc.gov/news-events/contests/robocalls-humanity-strikes-back> (describing the Robocalls: Humanity Strikes Back challenge).

¹⁶ *See* <https://www.nomorobo.com> (last visited June 7, 2017) and ROBOCALL STRIKE FORCE, ROBOCALL STRIKE FORCE REPORT, at 17-18 (April 28, 2017), *available at* <https://www.fcc.gov/file/12311/download>.

¹⁷ *See also* Comments of Matt Stein at FTC Robocall Summit (Oct. 18, 2012), Tr. at 218-227, *available at* www.ftc.gov/sites/default/files/documents/public_events/robocalls-all-rage-ftc-summit/robocallsummittranscript.pdf.

¹⁸ *See* 15 U.S.C. 6102(a)(3) (directing the Federal Trade Commission to include in the Telemarketing Sales Rule provisions prohibiting telemarketers from “undertaking a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer’s right to privacy”).

¹⁹ Consumers have registered more than 226 million telephone numbers on the National Do Not Call Registry and expressed their affirmative choice to stop unsolicited telemarketing calls—consumer demand for a stop to these calls is high. *See* National Do Not Call Registry Data Book FY 2016 at 3 (Dec. 2016), *available at* https://www.ftc.gov/system/files/documents/reports/national-do-not-call-registry-data-book-fiscal-year-2016/dnc_data_book_fy_2016_post.pdf.

As a threshold matter, the FCC seeks comment on how to define the term “illegal robocall” for purposes of the NPRM.²⁰ The FCC’s tentative proposal is to adopt the definition recommended by the Strike Force: “an ‘illegal robocall’ is one that violates the requirements of the Telephone Consumer Protection Act of 1991, the related FCC regulations implementing the Act, or the Telemarketing Sales Rule, as well as any call made for the purpose of defrauding a consumer, prohibited under a variety of federal and state laws and regulations, including the federal Truth in Caller ID Act.”²¹ The FTC supports the proposed definition.

The FCC may also wish to consider broadening the term “illegal robocall” to “illegal call.” As the definition conveys, the problematic calls here are not limited to just robocalls, but also abusive, fraudulent, or unlawful calls that are “live.” As noted above, while the majority (60 percent) of Do-Not-Call complaints the FTC receives each month are about robocalls, “live” calls still generate hundreds of thousands of complaints each month—provider-based blocking would not be complete without the ability to block illegal “live” calls that target numbers registered on the Do-Not-Call Registry. Further, one of the largest categories of Do-Not-Call complaints that the FTC receives are impostor calls. In approximately one-third of those complaints,²² consumers have indicated the call was not a robocall. Expanding the defined term to include all illegal calls would allow providers to block campaigns of “live” calls that are determined to be unlawful.²³

III. NPRM BLOCKING PROVISIONS

A. Blocking at the Request of the Subscriber to the Originating Number

The FTC supports the FCC’s proposal to codify the Public Notice issued by the FCC’s Consumer and Governmental Affairs Bureau on September 30, 2016 that authorized voice service providers to block calls using a spoofed Caller ID number if requested by the subscriber to that number.²⁴ The FTC concurs that, where the subscriber to the originating number did not consent to their number being spoofed to make outgoing calls, there is a high likelihood both that the call is made with the intent to defraud and that no reasonable consumer would want to receive such a call. FTC staff worked with a major provider and federal law enforcement partners to help block IRS scam calls that were spoofing well-known IRS telephone numbers. The widespread adoption of that practice through the Strike Force’s Do Not Originate trial saw nearly a complete cessation of attempts to use

²⁰ NPRM, *supra* note 4, at ¶ 13.

²¹ *Id.*

²² On September 28 2016, the FTC updated its Do-Not-Call complaint intake process to provide a drop-down list of possible call categories for consumers to choose from and provided the category “calls pretending to be government, business, or family or friends” to capture impostor calls.

²³ In addition, the NPRM questions whether the proposed definition of “illegal robocall” might be too narrow and precludes providers from blocking calls that are not lawful because they are prohibited by an anti-stalking law or a court order. NPRM, *supra* note 4, at ¶ 13. Calls that violate an anti-stalking law or court order would likely be covered by the proposed definition because they would be “prohibited under a variety of federal and state laws and regulations,” but such calls are also likely to be “live” calls, not just robocalls.

²⁴ NPRM, *supra* note 4, at ¶ 14.

the blocked IRS telephone numbers by the scammers. Allowing blocking at the request of the subscriber can be particularly useful for inbound only numbers such as the IRS telephone numbers that were being spoofed.

The FTC has also received requests for guidance from businesses whose telephone numbers have been spoofed and has received Do-Not-Call complaints from consumers whose telephone numbers are being spoofed and used in a scam, leading to multiple return calls from the individuals targeted by the scam. Short-term blocking of calls made from the spoofed phone numbers could provide relief to businesses and individuals who are affected. This type of blocking would be most effective and have the least amount of negative impact on consumers, if providers could isolate and block calls spoofing a subscriber's Caller ID, while allowing the subscriber's legitimate calls to go through. Analysis of whether the spoofed calls originate from a different provider or take a distinct path across the network would be helpful. The FTC encourages providers to communicate to their subscribers that they can request this type of blocking if their telephone number is being spoofed and establish a process to verify and grant such requests.²⁵

The FCC also seeks comment on issues related to information sharing by providers to best effectuate subscriber requests to block their numbers, particularly what measures, if any, the FCC should consider to facilitate providers' sharing such requests with other providers.²⁶ The FTC concurs that information sharing by providers at the subscriber's request appears to be consistent with the FCC's Customer Proprietary Network Information ("CPNI") rules. In addition, when a subscriber requests that a provider block the subscriber's number because of unlawful spoofing, the subscriber is almost certainly seeking to have the number blocked by as many providers as possible. Accordingly, the FTC supports providers' interpreting a request from a subscriber to block outbound calls from the subscriber's number as a request for the provider to share information, consistent with the CPNI rules, with other providers for widespread blocking.

B. Blocking Invalid, Unallocated or Unassigned Numbers

In response to a request from the Strike Force for the FCC to clarify that provider-based blocking is permissible where the call purports to originate from a number that the provider knows to be unassigned, the NPRM proposes three categories of unassigned numbers that providers are authorized to block.²⁷ Those categories are: 1) numbers that are invalid under the North American Numbering Plan (NANP), including numbers with unassigned area codes; 2) numbers that have not been allocated by the North American Numbering Plan Administrator (NANPA) or the National Number Pool Administrator (PA) to any provider; and 3) numbers that the NANPA or PA has allocated to a provider, but the provider has not currently assigned to a subscriber (collectively "unassigned" numbers).²⁸ The FTC supports the NPRM's proposal to authorize provider-based

²⁵ The FTC would work to provide consumer guidance to ensure that consumers are aware of the blocking options and related assistance available to them from their providers.

²⁶ NPRM, *supra* note 4, at ¶ 15.

²⁷ NPRM, *supra* note 4, at ¶ 16.

²⁸ The NPRM would enable providers to block calls purporting to originate from these "unassigned" categories based on the number's "unassigned" status and would not require a request from a subscriber.

blocking of all three “unassigned” categories—use of these numbers is a strong indication that the calling party is spoofing the Caller ID to make an unlawful call as part of an effort to defraud a consumer.

The FTC further supports providers’ sharing information about these “unassigned” numbers to facilitate call blocking. In response to the FCC’s question regarding whether it should mandate that providers share information about “unassigned” numbers to facilitate appropriate call blocking,²⁹ the FTC urges the FCC to consider methods to encourage maximum provider-participation in such sharing.

The FCC also seeks comment on whether end-user consumer consent is necessary for provider-based blocking of unassigned numbers.³⁰ The FTC supports the FCC’s proposal not to require providers to obtain an opt-in from consumers to block these categories of calls and agrees it is highly unlikely that consumers would want to receive calls purporting to be from unassigned or invalid numbers.

While the FTC strongly supports expansion of provider-based blocking, we are also mindful of minimizing any possible collateral effects to consumers from these efforts. As the NPRM notes, Caller ID spoofing of unassigned numbers is often done to make illegal—and in many instances fraudulent—calls. Blocking these numbers may drive up the costs incurred by callers using unassigned numbers to make illegal calls and reduce the ease with which they can spoof Caller IDs. Experience tells us, however, that the fraudsters and telemarketers who make illegal calls are likely to regroup and devise another tactic to call consumers. Increased blocking of unassigned numbers could result in increased spoofing of valid telephone numbers. When a scammer spoofs a legitimate telephone number, the consumer or business which subscribes to that number can be bombarded by return calls and complaints. Providers must be ready to assist individuals and businesses whose telephone numbers may be unlawfully spoofed by providing clear guidance regarding what to do if this happens and prompt action to resolve the issue. Examples of actions providers could take include temporarily blocking calls purporting to originate from the subscriber’s number or blocking calls that appear to originate from the subscriber’s number that do not originate from the subscriber’s carrier.

IV. NOTICE OF INQUIRY QUESTIONS REGARDING “PRESUMPTIVELY ILLEGAL” CALLS

In the NOI, the FCC indicates a willingness to authorize provider-based blocking of illegal calls on a wider basis than the categories outlined in the NPRM and calls for the development of “objective standards that would indicate to a high degree of certainty that a call is illegal.”³¹ The NOI pointed to the NPRM categories of unassigned numbers as an example of the type of objective

²⁹ NPRM, *supra* note 4, at ¶ 22.

³⁰ NPRM, *supra* note 4, at ¶ 25.

³¹ NPRM, *supra* note 4, at ¶¶ 27-28.

standards the FCC is seeking for determining a reasonably high degree of certainty that a call is illegal.³² The NOI also seeks comment on whether to adopt a safe harbor to give providers certainty that they will not be found in violation of the call completion and other FCC rules when they engage in provider-based blocking.³³

A. Effective Call-Blocking Requires Flexibility

The FTC urges the FCC to allow for flexibility in developing standards to guide provider-based blocking of “presumptively illegal” calls. Determining whether a call is likely illegal is a dynamic process that can require analyzing multiple sets of available data, making reasonable judgments based on current and past data, adjusting analysis to stay ahead of illegal call tactics, and continual development of new techniques to detect illegal calls.³⁴ This dynamic process necessitates giving providers a measure of flexibility, which can be difficult to capture through a fixed set of objective standards. In addition, and as the NOI acknowledges in its discussions regarding possible safe harbor provisions, the standards should not serve as a roadmap for the makers of illegal calls to circumvent provider call blocking.

Accordingly, the FTC encourages the FCC to consider developing flexible standards incorporating the requisite level of due diligence it expects the providers to engage in before blocking a call, rather than a set of rigid standards. For example, the FCC could require that to be eligible for any safe harbor for blocking presumptively illegal calls, providers must develop an internal protocol that relies on multiple data points for flagging a presumptively illegal call, is managed by a dedicated team, and includes an effective mechanism to address inadvertent blocking of legitimate callers.

B. Determining Legality of Telemarketing Robocalls

In seeking input on standards for provider-based blocking, the NOI seeks comment on whether some methods more accurately identify illegal calls than other methods.³⁵ One category of illegal calls—telemarketing robocalls—can be identified with a relatively high degree of certainty. Under the Telemarketing Sales Rule, telemarketing robocalls are illegal unless the company has the consumer’s express written consent to receive robocalls from that specific caller.³⁶ Because the overwhelming

³² NPRM, *supra* note 4, at ¶ 28.

³³ *Id.*

³⁴ The Strike Force presented examples of efforts that providers undertake as part of this dynamic process to determine if a call is illegal, including: “soliciting and reviewing information from other carriers, performing historical and real time call analytics, making test calls, contacting the subscriber of the spoofed number, inspecting the media for a call (audio play back of the Real Time Protocol stream to understand the context of the call), and checking customer complaint sites.” STRIKE FORCE REPORT I, *supra* note 1, at 40.

³⁵ NPRM, *supra* note 4, at ¶ 30.

³⁶ 16 C.F.R. § 310.4(b)(1)(v).

majority of consumers do not knowingly consent to receive robocalls, legitimate telemarketing operations cannot use robocalls on a widespread basis without violating the law.³⁷ Any of the methods used to determine if a call is part of a large-scale robocall campaign, combined with verification from consumer complaint data that the subject of the calls is telemarketing sales, can be used to identify illegal telemarketing robocalls with a high degree of certainty.

C. Protections for Legitimate Callers

The NOI seeks comment on ensuring protections for legitimate callers whose calls are inadvertently blocked through enhanced provider-based call blocking. The FTC supports requiring providers to develop clear and specific procedures to address complaints from individuals and businesses whose calls are inadvertently blocked. The FTC, however, urges the FCC to be cautious in establishing a mechanism, such as a white list, to address concerns set forth in the NOI such as “high-volume callers that properly obtain prior express consent [who] might run afoul of call-per-minute restrictions even though all calls made are legal.”³⁸ As explained above, from FTC staff’s experience, there are very few telemarketing sales robocall campaigns in which the caller has obtained prior express written consent and white lists for telemarketers making sales calls or lead generation calls would require providers to assess the consent the caller purportedly obtained from the call recipient. Cross-referencing the subject matter of the calls described in consumer complaints should help providers to avoid blocking robocalls that do not violate the TSR, such as political calls, survey calls, pure informational calls, charitable donation calls to current and past donors, and business-to-business calls.³⁹

CONCLUSION

The FTC supports the FCC’s efforts to facilitate an expansion of provider-based call blocking to curb illegal telemarketing. The suggestions provided in this comment are intended to assist with this facilitation, while being mindful of the potential consequences that might arise from increased call blocking. The FTC stands ready to provide further information and assistance as needed.

³⁷ Both the TSR and the Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (“TCPA”) prohibit telemarketing robocalls to residential or wireless lines, unless the caller has the express prior written consent of the call recipient. 16 C.F.R. § 310.4(b)(1)(v); 47 C.F.R. §§ 64.1200(a)(1)–(3). The TCPA also requires consent for calls that fall outside the scope of the TSR’s robocall provisions, such as all charitable calls to wireless numbers and all non-sales robocalls to wireless lines. *Compare* 16 C.F.R. § 310 with 47 C.F.R. § 64.1200.

³⁸ NPRM, *supra* note 4, at ¶ 37.

³⁹ As noted above, calls that do not violate the TSR may still violate the TCPA.